

07.01.2022
Item no.47.
Court No.1.
AB
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM (DB) 4 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.423 of 2021 Dated 19.11.2021 under Sections 448/304/34 of the Indian Penal Code

And

In the matter of: Nimai Barman

.....Petitioner.

Mr. Arnab Sahafor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee.....for the State.

The petitioner is one of two accused persons. The other accused person is the wife of the victim.

The petitioner says that the victim, on the day of the incident, was drunk. When the petitioner visited his house, a scuffle ensued. The victim suffered injury. There was no intention on the part of the petitioner to inflict any grievous injury on the victim. It was accidental. Charge sheet has been submitted. No useful purpose will be served by continuing to detain the petitioner in custody.

The State strongly opposes the prayer for bail.

We have seen the material in the case diary. It is true that the victim died on the way to hospital after the day when the incident took place. However, prima facie, there does not appear to be any premeditated plan on the part of the petitioner to inflict fatal injury on the victim. Charge sheet has been submitted upon completion of investigation. Further detention of the petitioner may not be necessary. We are inclined to allow the petitioner's prayer for bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Nimai Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar and/or the relevant Court in Charge thereof, and on further conditions that the petitioner shall not enter the jurisdiction of Alipurduar Police Station except for attending Court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station. The petitioner shall also meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial

court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. (DB) 4 of 2022 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)